

MONTGOMERY, McCRACKEN, WALKER & RHOADS, LLP

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ATTORNEYS FOR NON-PARTY LOREN LAINE, M.D.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

IN RE: MERCK & CO., INC.	:	Civil Action No. 2:05-cv-02367-SRC-CLW
SECURITIES, DERIVATIVE &	:	
"ERISA" LITIGATION	:	MDL No. 1658 (SRC)
	:	
	:	
	:	

**NOTICE OF MOTION OF NON-PARTY LOREN LAINE, M.D.
TO QUASH SUBPOENA
OR, IN THE ALTERNATIVE, FOR PROTECTIVE ORDER**

To: Brett Van Benthysen, Esquire
Adam H. Wierzbowski, Esquire
Bernstein Litowitz Berger & Grossman, LLP
1285 Avenue of the Americas
New York, NY 10019

PLEASE TAKE NOTICE that Non-Party Loren Laine, M.D. ("Dr. Laine"), through his attorneys, Montgomery, McCracken, Walker & Rhoads, LLP, hereby moves the above named Court for an Order quashing the deposition subpoena served on him pursuant to F.R.C.P. 45 or, in the alternative, for a Protective Order pursuant to F.R.C.P. 26(c). Plaintiffs have issued both a document subpoena and a deposition subpoena directed to Dr. Laine. This Court issued the subpoenas in relation to the captioned Multidistrict Litigation Proceeding ("MDL").

In support of this Motion, Dr. Laine will rely upon the brief in support

submitted herewith. A proposed form of Order and an alternative proposed form of Order are also submitted herewith.

MONTGOMERY, McCRACKEN,
WALKER & RHOADS, LLP
Attorneys for Non-Party
Loren A. Laine, M.D.

By: s/ Paul H. Zoubek

and: Jeremy D. Mishkin, Esquire
Montgomery, McCracken, Walker & Rhoads LLP
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Philadelphia, PA 19109
Tel: 215-772-7246
jmishkin@mmwr.com
Unopposed *pro hac vice* admission pending

Dated: June 13, 2013

CERTIFICATION OF SERVICE

I, Paul H. Zoubek, hereby certify that on the date listed below the foregoing *Notice of Motion of Non-Party Loren Laine, M.D. to Quash Subpoena or, In the Alternative, for Protective Order* was filed electronically and is available for viewing and downloading from the ECF system of the United States District Court for the District of New Jersey.

s/ Paul H. Zoubek

Dated: June 13, 2013